IN THE HIGH COURT FOR THE STATES OF PUNJUAB AND HARYANA AT CHANDIGARH

CRL.R.NO. 363 of 1995

DATE OF ORDER:4.10.2007

Gurmeet Singh and another ....Petitioners

Versus

State of Punjab ....Respondent

CORAM: HON'BLE MR. JUSTICE A.N. JINDAL

Present: Mr. Kuldeep Sanwal, Advocate, for the petitioners.
Mr. Anter Singh Brar, D.A.G. Punjab.

A.N. JINDAL,J.

This petition is directed against the judgment dated 9.5.1995, passed by Addl. Sessions Judge, Gurdaspur, dismissing the appeal of the petitioners against the judgment dated 5.2.1992, passed by Chief Judicial Magistrate Gurdaspur, convicting them under Sections 325/324/323/34 IPC and sentencing them as under:

Gurmit Singh & Sarbjit Singh

U/s	325 IPC	To undergo RI for one year and to pay a fine of Rs. 500/- each.
U/s	324/34 IPC	To undergo RI for six months each.
U/s	323 IPC	To undergo RI for three months each

However, all the sentences were ordered to run concurrently.

At the very out set, the conviction recorded by both the courts below has not been assailed but the only argument raised by learned counsel for the petitioners is that the case was registered in the year 1987, since then the petitioners have been facing much agony of protracted proceedings pending against them, therefore, some leniency may be extended in the quantum of sentence.

Heard on the point of sentence. It is observed that the case was registered in the year 1987.The petitioners have already undergone about 1 ½ months of substantive sentence. They have suffered much agony of the protracted proceedings as the offence was committed as far back as 20 years ago. No previous bad antecedents have been brought forward by the

Deputy Advocate General, so as to deny them the benefit of probation. In these circumstances, the ends of justice would be met if the petitioners are extended benefit of probation.

Consequently, while dismissing the petition, sentence passed against the petitioners is modified that they are released on probation under Section 4(1) of the Probation of offenders Act, 1958 on his executing a bond to the satisfaction of the trial Court for a period of one year within which they shall continue to be of good behaviour and keep peace and in case of breach of conditions of the bond they will be ready to serve sentence as and when called for.

The copy of the judgment be sent to Chief Judicial Magistrate, Gurdaspur, for compliance.

4.10.2007 (A.N. JINDAL)
rajeev JUDGE

To be referred to reporter : Yes/no